

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANDRES GUTIERREZ,

Defendant.

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8:16CR191

ORDER

This matter is before the court on the motion for an extension of time by defendant Andres Gutierrez (Gutierrez) (Filing No. 22). Gutierrez seeks an additional forty-five days in which to file pretrial motions in accordance with the progression order. Gutierrez has filed an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 22-1). Gutierrez's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted. **No further extensions will be granted except upon a showing by affidavit that a denial of a such an extension will constitute a manifest injustice.**

IT IS ORDERED:

Defendant Gutierrez's motion for an extension of time (Filing No. 22) is granted. Gutierrez is given until **on or before November 3, 2016**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., **the time between September 21, 2016, and November 3, 2016**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 21st day of September, 2016.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge